

Letters

A matter of fees

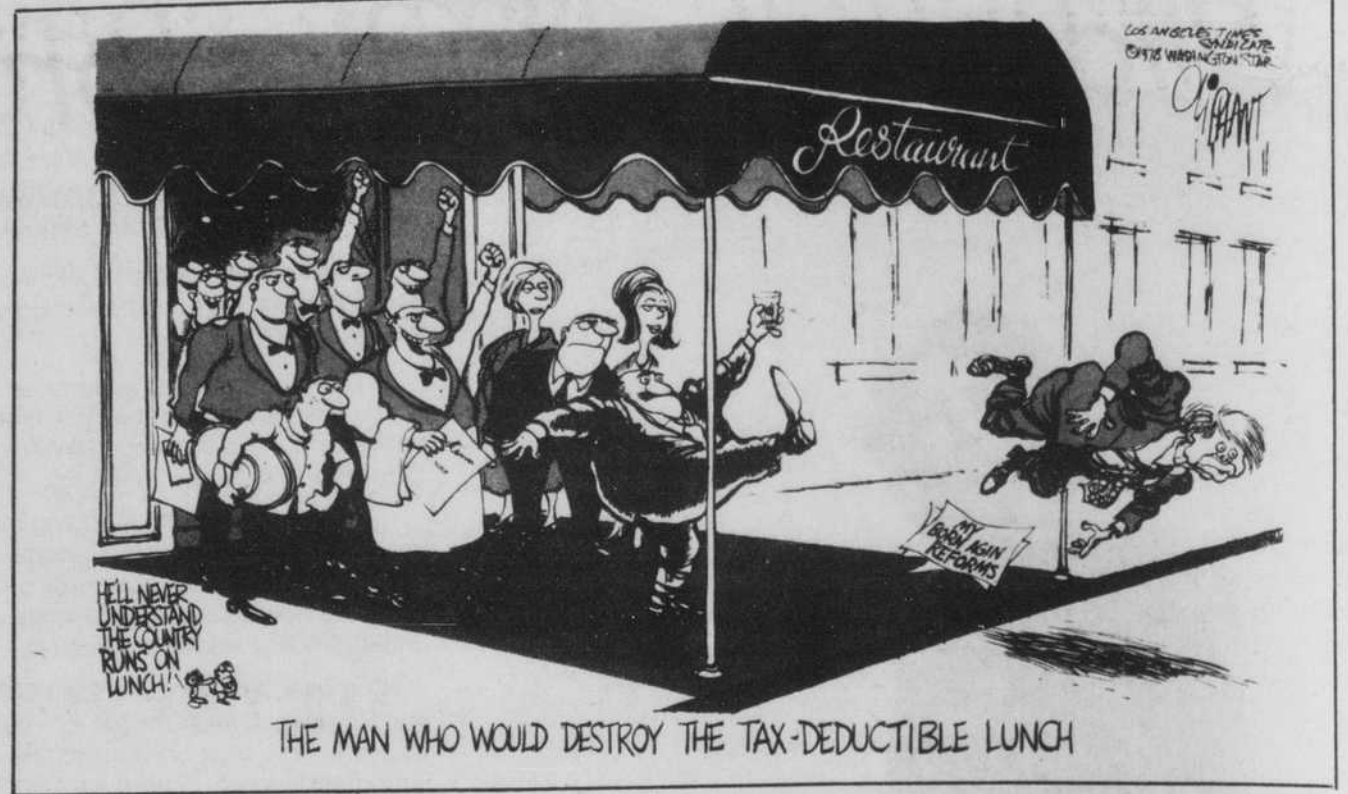
As a student of law, I am outraged at the way our Dean is treating the non-law students who wish to use the law school for studying purposes. Our Constitution guarantees us as citizens equal rights and equal treatment under the law. The incidents (allegedly perpetrated by undergraduates) of theft of both the coffee and the coffee money, of mayhem in the corridors, perdition in the classrooms and surly remarks about law students printed on the bathroom walls are all minor inconveniences that one must put up with while living in a free and open democratic society.

There is, however, one injustice that law students have quietly endured; we are being discriminated against when we go to pay our fees. Sure, we pay roughly the same tuition each year as the other graduate students, we pay roughly the same Health Center fee and building fee. We even pay

the same incidental fee, (the fee that brings you this august paper, that fine subsidized food in the EMU, and yes, that pays the salary of our distinguished ASUO President, Mr. Feldman.) Yes, tuition and fees are pretty much identical with those of other graduate students, but before we can leave the cashier's cage we must fork over an additional \$300 yearly, the oppressive and infamous "LAW SCHOOL RESOURCE FEE."

Most of this fee is dumped into the law library, the remainder goes to pay for the building's janitors, window, toilet paper and such.

Possibly Dean Clark and Mr. Feldman can reach a compromise that would satisfy all parties. The law school collects roughly \$164,000 in Law School Resource Fees each year (\$300 times 480 students plus \$100 extra from each first year student). If the ASUO could fund this, then I don't think any law student could complain. Law students could



save roughly \$1,000 over their three year stay and the ASUO could assess all university students about 12 bucks a year to cover costs.

Rumor has it that while Gary Feldman is drawing up the budget proposal to cover this, he has graciously donated his office space in suite four, EMU to any undergraduate who needs a place to study, the only ground rules are to keep the noise down so as not

to wake the folks that work there. In the event of a crowd, those that need a place to study, are thirsty, or short on change can take a short trip up to the Emerald office on the 3rd floor. They have a coffee machine, typewriters, pencils, paper, etc; and would provide a great place to type up that term paper.

Michael D. Leeds
Second year, Law

The Emerald will accept and try to print all letters and opinion columns containing fair comment on ideas and topics of concern or interest to the University community. Letters and opinions must be typewritten, using 65-character margins, and should be triple-spaced. Letters and opinions must be signed, with the author's year and field of study (or faculty status) noted. Letters and opinions will be run on a first-come first-served basis.

opinion

Black students and America's search for the fittest'

Submitted by
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Item: Here in the Pacific Northwest, as in other sections of the country, it is no longer unusual to find significant numbers of black starters on major varsity basketball teams. Last season, for example, during the Oregon vs. Oregon State game televised from Corvallis on Saturday, January 22, 1977, 8 of the 10 starting players on the court were black.

Item: Tim, a 20-year-old black American who raps with great finesse in his neighborhood community but who is grossly deficient in writing standard English, was recently screened out when he applied for a job in which the writing of reports is a regular function to be performed.

Principal explanation for both occurrences: In an evolving meritocratic society where a competitive theme is evident, the fittest will prevail. "Fittest" in this context refers to those who can perform best in the ways prescribed — whether the arena of demonstrated proficiency be an athletic field or an office in the corporate structure of a growing business enterprise.

These observations are cited to indicate that contemporary black Americans, like other persons living in this society, either must be qualified on the basis of functional performance to merit placement in positions of socio-economic security or must be prepared to see those opportunities go to others judged to be the fittest.

To be sure, a small percentage of employers may be "persuaded" to make concessions to some of those who are less fit. But such tokenism-paternalism is hardly calculated to foster a genuine sense of justice and of self-respect on either side of this kind of arrangement. This is so because in a truly meritocratic social structure, positions are assigned *objectively* on the basis of demonstrated functional capability.

It may be recalled that some of the founders of this nation called for the emergence of a new aristocracy of talent to replace the old aristocracy of inherited power. While the conception of a "meritocracy" has by no means been adequately applied in practice, *theoretically* American society is committed to the premise that evaluation and placement of individuals in terms of their demonstrated competency is more equitable and just than assigning status on the basis of arbitrary circumstance. This means that even though persons may not be born into privileged socio-cultural situations, if they have adequate potential to start with, and sufficient personal determination to take advantage of broadening developmental opportunities, they can achieve a level of functional competence that will enable them to gain respectable social status.

Admittedly, in practice the meritocratic system sketched here operates imperfectly in America today. Nevertheless, growing numbers of black Americans who are presently exercising patterns of economic and political empowerment which are reflective of middle-class

status offer tangible evidence of the degree to which the meritocratic principle is an enlarging feature of contemporary social democracy in the United States. This is particularly so today as a public policy in support of reasonable reversal of historical racial discrimination (i.e., affirmative action) is being implemented to promote a more just and equitable society.

This means, for example, that in a situation where roughly equally qualified candidates are being considered, it is acceptable to give preference to the candidate whose racial group has been historically discriminated against. But what about competitive circumstances where the proficiencies of the black candidate are markedly less inviting than those of the white applicant? Are we supposed to apply the criterion of functional capability in the athletic arena, but not in *other* competitive sectors of American life?

In point of fact, many jobs (as well as post-secondary educational opportunities) are enmeshed in some type of cultural milieu, and the assessment procedures which are used to select those most likely to perform effectively in them must necessarily be *culture-linked*. This is especially true in a society like ours where the "profit motive" is still discernible and is reflected in the social reality of employment managers hiring those applicants who offer the best promise of contributing to the success of their enterprises. Assuming the assessment procedures being used to identify the most qualified among the pool of applicants *actually* provide valid measures of probable success on the job (and that they are *not* used illegally and maliciously to "disqualify" persons on the irrelevant grounds of race, sex, or ethnicity), it must be acknowledged that such selection is consistent with the meritocratic principle cited previously.

It is hoped that the observations just set forth will be applied to the two "items" mentioned at the very beginning of this discussion. In the case of "Tim," while he may be quite adept at manipulating elements of his neighborhood sub-culture, his deficiencies (underdevelopment) in relation to the dominant socio-cultural work environment to which his job application was directed, prevented his being considered qualified on the basis of functional capability. This is a facet of current social reality in our society which requires dispassionate analysis.

The crucial aspect of what is being expressed here is that in an evolving meritocratic society, genuine political and economic empowerment are acquired as individual citizens freely compete for positions on the basis of talents geared to dominant socio-cultural standards. This is not to deny the members of various sub-groups their special sub-cultural customs and traditions. It does mean, however, that the effort to *substitute* sub-cultural norms for the standards of functional proficiency that are operative in the dominant mainstream is bound to fail in one way or another. In the interest of real fulfillment in the meritocracy, sub-cultural behavior patterns can be pursued in addition to mainstream proficiency norms, but certainly not as "substitutes" for those standards!

Accordingly, "Tim," whom we met earlier, cannot realistically expect to be hired in that job for which he

applied because he is deficient in communicating in standard English. Admittedly, he raps quite effectively in his neighborhood encounters, but the kind of talent linked with success in the job he applied for has to do with language patterns used in the American middle-class mainstream, as distinct from non-mainstream "folk language." He need not give up his heritage in the black social experience, but he must, in a sense, *extend himself beyond it* if he hopes to merit appointment to a work station in the dominant sector of American society.

In short, beyond the effort to "undistort" the past, contemporary black American students should respond wisely to the issue of individual competence vs. racial gamesmanship. For, in the end, it is a black *individual* who must demonstrate the wherewithal to pass the State Medical Exam, the State Bar Exam, the CPA Exam, the Psychologist Licensure Exam, etc.

This commentary rests upon the conviction that the desired social goal is not a "separatist enclave of blacks" precariously co-existing on the fringes of the American mainstream, but rather the functional integration of black Americans in the national mainstream. In such a social system, freedom of choice as to sub-cultural styles is fully legitimate — so long as these patterns of ethnic pluralism are pursued *in addition to* and not as a "substitute" for alignment with the conventions of the dominant mainstream. What this means, basically, is that healthy development is an interactive process; and that minorities in contemporary American society must work out a viable balance between their ethnicity and dominant social patterns in order to achieve genuine security.

We all live in and must achieve what personal fulfillment we can within the current reality of an American society that is described as competitive and increasingly meritocratic. Within such a societal context, racial ideology should be *subordinate* to marketable human competence. As a black American myself, I shall continue to hope the present fixation on "black consciousness" (however psychologically understandable it might seem) will not so constrict and encapsulate our perceptions that we shall respond inadequately to the business of taking advantage of enlarging developmental opportunities to acquire functional proficiency.

At this writing, the U.S. Supreme Court has not yet ruled on the Bakke challenge to affirmative action admission policies at the University of California Medical School at Davis. But regardless of the nature of that decision, and in spite of the lingering vestiges of racist attitudes in our society, it is possible for black students who can compete successfully for empowerment opportunities to achieve a satisfying measure of economic and social security.

Accordingly, to be a black American who delights in the trappings of black consciousness, but who, like "Tim" (whom we met in the opening scenario), has not met the test of functional capability in the national mainstream, is to have achieved only a partial identity. And it is this kind of "underdevelopment" with respect to dominant standards of performance which results in opportunities being granted to others judged to be "the fittest."

Friday, February 17, 1978